

**ORDINANCE NO. 2047**

**AN ORDINANCE OF THE CITY OF HURST, TEXAS, AMENDING THE HURST CODE OF ORDINANCES CHAPTER 5, BY ADDING ARTICLE X ENTITLED; “RENTAL REGISTRATION;” PROVIDING A REPEALING CLAUSE; PROVIDING A REPEAL OF CONFLICTING ORDINANCE OR SEGMENTS THEREOF CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR THE IMPOSITION OF CIVIL PENALTIES AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council has determined it is in the best interests and safety of the citizens of the City of Hurst that these serious matters should be addressed and eliminated, if possible.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, THAT:**

**Section 1:** Code of Ordinances for the City of Hurst, Texas is hereby amended by adding a new Article “Rental Registration” to read as follows:

**“RENTAL REGISTRATION”**

**Section 1: Definitions.**

The following words, terms and phrases, when used in this Article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

*Building Official* means the Building Official for the City of Hurst, Texas, or his/her designee.

*Owner* means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title; holder of life-estate, holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

*Person* means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest; or any other legal or community entity.

*Property manager* means a person whom for compensation has control of the day-to-day operations of the rental unit or units or the person in a partnership or corporation, or any other legal entity who has managing control of the rental unit(s).

*Rent* means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

*Rental unit* means a single family dwelling unit, duplex unit, triplex, quadruplex, mobile home, town house dwelling unit, or a portion thereof that is rented or offered for rent as a residence.

*Tenant* means any person who rents or leases a rental unit for living or dwelling with the consent of the owner or property manager.

## **Section 2: Rental Registration.**

- (a) Each owner of a rental unit within the city shall register each such rental unit with the building official before June 1, 2008; and shall renew such registration annually on the date prescribed by the Building Official.
- (b) Each new owner of a rental unit within the City shall make application for registration with the Building Official within ten (10) business days after the date of acquiring ownership.
- (c) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
  - (1) Owners' name, address, work and home telephone number, drivers license number, or identification card number and state of issuance of the owner;
  - (2) If the owner does not live in Hurst, or in Tarrant County, Dallas County or Denton County, then in addition to the information in (1) above, the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to maintenance of the rental unit or units;
  - (3) If owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;
  - (4) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the property of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;
  - (5) Name, address, and telephone number of the property manager;
  - (6) Street address of the rental unit;

- (7) Total square feet of living area and number of bedrooms;
  - (8) Name, drivers license number or identification number and state of issuance for each adult (18 years of age or older) tenant;
  - (9) Number of persons occupying the rental unit;
  - (10) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
  - (11) Signed by the owner or owner's agent.
- (d) A fee, set and reviewed annually by the City Manager, shall be charged for the registration and/or inspection of each rental unit.
  - (e) The Building Official shall within thirty (30) calendar days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this ordinance.
  - (f) A certificate of registration shall be valid for a period of twelve (12) calendar months following issuance thereof, provided however the initial certificate of registration for a rental unit shall not expire until the date of renewal of registration established by the Building Official.
  - (g). It is an offense for an owner to fail to register or fail to renew the registration of a rental unit within the City, and each and every day that the owner continues to fail to register or renew the registration of the owner's rental units within the city shall constitute a separate offense.
  - (h) It shall be unlawful for any person to file a false registration application with the Building Official.

**Section 3: Initial Rental Registration.**

- (a) Recognizing that the initial implementation of this article may be difficult because of the number of rental units and the inspection of rental units, the Building Official, shall by administrative order, divide the City into three or more geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file in the Office of the Building Official.
- (b) A registered owner of a rental unit with the City, or the owner's agent, shall renew the registration of each rental unit on or before the date prescribed by the Building Official.

- (c) The Building Official shall send each registered owner of a rental unit within the City a renewal notice for registration accompanied by a registration application to be completed and returned to the Building Official. It is the responsibility of the owner to update their contact information with the City (address, phone number, et cetera,) should it change during the year.
- (d) A registered owner of a rental property or the owner's agent shall, upon receipt of the renewal notice, complete and return a completed registration application for each rental unit within thirty (30) days after receipt of the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to renew the registration for each rental unit within the City. It is an offense for an owner to fail to file a completed annual registration application for each rental unit on or before the dates specified on the renewal notice.

#### **Section 4: Inspections.**

The Building Official, or his/her designee, shall inspect a rental unit at the time of initial registration to determine compliance with minimum housing standards, ordinances, Section 5-302 International Property Maintenance Code, City Code, applicable state and local laws and if a change of occupancy has occurred at a rental unit or at any other time deemed necessary by the Building Official to maintain compliance with minimum housing standards described in the International Property Maintenance Code as adopted in Section 5-302 of the City Code. Failure to give the City Building Official access to the rental unit(s) shall constitute a violation and grounds for denying the applicant's application for registration.

#### **Section 5: Appeals.**

If an owner or a person legally authorized to represent the owner, wishes to appeal a decision or inspection requirement they may do so by filling a notice of appeal with the Building Official to the City Code of Appeals and Advisory Board within ten (10) business days of the decision being appealed and paying an application fee of one hundred dollars (\$100.00) for the first item appealed and twenty five dollars (\$25.00) for each additional and related item appealed. The Building Official shall notify the Appeals Board and the Board shall hear such appeal within thirty (30) calendar days of the filing of the notice of appeal. Both the official whose decision is being appealed and the party appealing the decision shall be notified of the date and time of such hearing at least seventy-two (72) hours before such hearing. Such notice may be by mail, telephone or facsimile. The Board shall decide such matter within fourteen (14) calendar days of such hearing. The Board is authorized to exercise those powers granted to the Board of Appeals for the particular code relevant to the matter being appealed. **Should the Board find in favor of the applicant for any or all of the appealed violations, the Board is authorized to refund to the applicant the twenty five dollars (\$25.00) per violation; however the Board is not authorized to refund the one hundred dollar (\$100.00) application fee.**

**Section 6: Building Official, Powers and Duties.**

- (a) The Building Official is hereby designated as the administrator of this article.
- (b) In addition to the powers and duties otherwise prescribed for the Building Official, as administrator of this article, he is required to:
  - (1) Administer and enforce all provisions of this article;
  - (2) Keep records of all licenses issued;
  - (3) Adopt rules and regulations, not inconsistent with the provisions of this article, with respect to the form and content of application for licenses, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article.

**Section 2:** A person commits an offense, if he or she knowingly performs an act prohibited by this ordinance or knowingly fails to perform an act required by this ordinance. Any person or business establishment who violates any provision of this Ordinance shall be subject to a fine of not more than \$2000.00 for each offense; and each and every day such violation shall be deemed a separate offense.

**Section 3:** That all provisions of the ordinances of the City of Hurst in conflict with the provisions of this ordinance are, and the same hereby, repealed, and all other provisions of the ordinances of the City of Hurst not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 4:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the Code of Ordinances as a whole.

**Section 5:** This ordinance shall take effect immediately from and after its passage. Upon passage of this Ordinance the Building Official shall notify all known owners of a rental unit by sending a copy of same by U.S. Mail. All owners of rental not notified by the Building official shall have 60 days from the date of passage of this ordinance to register.

**AND IT IS SO ORDERED.**

Passed on the first reading on the 26<sup>th</sup> day of February, 2008, by a vote of 6 to 0.

Passed on the second reading on the 25<sup>th</sup> day of March, 2008, by a vote of \_\_\_\_\_to\_\_\_\_\_

**City of Hurst**

By: \_\_\_\_\_  
Richard Ward, Mayor

**Attest:**

\_\_\_\_\_  
Rita Frick, City Secretary

**Approved as to form and legality:**

\_\_\_\_\_  
City Attorney